

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	Criminal No. 20-40050-TSH
PERDO WILSON HERNANDEZ-CASTILLO,)	
)	
Defendant)	
)	
)	
)	

REPORT IN LIEU OF INITIAL STATUS CONFERENCE
PURSUANT TO LOCAL RULE 116.5(a)

February 11, 2021

Hennessy, M.J.

Defendant is charged in an indictment with one count of Unlawful Reentry of a Deported Alien, in violation of 8 U.S.C. § 1326. Defendant was arraigned by videoconference on January 7, 2021. I scheduled an initial status conference for February 11, 2021 in Worcester. However, prior to the conference, counsel filed a joint memorandum that obviates the need for such conference. Accordingly, I cancel the conference and report as follows:

Local Rule 116.5(a)(1) through (4)

The United States reports that it produced automatic discovery on December 28, 2020 and intends to produce additional discovery. There are no pending discovery requests. Defendant needs additional time to review discovery and to determine whether to serve discovery requests. The court has not entered a protective order; the parties reserve the right to seek such an order.

Local Rule 116.5(a)(5)

Defendant is directed to report at the Interim Status Conference whether, based on a review of discovery, he will file pretrial motions pursuant to Fed.R.Crim. P. 12(b).

Local Rule 116.5(a)(6)

The parties propose that the government's expert disclosures, if any, be due forty-five (45) days before trial, and that Defendant's expert disclosures, if any, be due twenty-one (21) days before trial. I adopt that proposal.

Local Rule 116.5(a)(7)

The Court has excluded the period from January 7, 2021 (the date of Defendant's arraignment), through February 11, 2021 (the date of the Initial Status Conference). The parties further agree that the period from February 11, 2021 through the Interim Status Conference that I have set for March 29, 2021 should be excluded under the interest of justice provision of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). I will allow that request and enter a separate written order. It appears that seven days (from the filing of the indictment on December 30, 2020 through the January 7, 2021 arraignment) are chargeable against the statutory speedy trial clock. See Order of Excludable Delay entered on this date.

Local Rule 116.5(a)(8)

An Interim Status Conference will take place in this case on Monday, March 29, 2021 at 9:30 a.m., in Courtroom #1, Fifth Floor, Donohue Federal Building, 595 Main Street, Worcester, Massachusetts. If the parties file a joint memorandum that addresses Local Rule 116.5(b) which obviates the need for the status conference, the Court will waive the status conference. Counsel

are invited to appear by telephone. If any counsel wishes to appear by telephone, counsel is to contact my Courtroom Clerk Dawn King, (508.929.9905 or Dawn.King@mad.uscourts.gov) before the conference and provide a landline telephone number at which counsel can be reached.

/ s / David H. Hennessy
David H. Hennessy
United States Magistrate Judge